

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NEAL A. COWE,

Plaintiff

vs.

C.A. No. 04-11520-RWZ

LYNCH, BREWER, HOFFMAN AND SANDS,
Allis LYNCH, BREWER, HOFFMAN & FINK,
COMMONWEALTH OF MASSACHUSETTS
ADMINISTRATIVE CHIEF JUSTICE OF THE
SUPERIOR COURT SUSAN DELVECCHIO,
COMMONWEALTH OF MASSACHUSETTS
OFFICIAL COURT REPORTER LILA MOREAU,
SLOANE & WALSH, MITCHELL & DESIMONE,

Defendants

MOTION OF THE COMMONWEALTH OF MASSACHUSETTS ADMINISTRATIVE
CHIEF JUSTICE OF THE SUPERIOR COURT SUSAN DELVECCHIO
FOR ADDITIONAL TIME TO RESPOND TO PLAINTIFF'S AMENDED COMPLAINT

The Commonwealth of Massachusetts Administrative Chief Justice of the Superior Court Susan Delvecchio¹ (collectively referred to as the "Commonwealth Defendants") seek additional time to respond to Plaintiff's Complaint. As grounds for this motion, the Commonwealth Defendants state as follows:

1. Plaintiff filed his Complaint on June 23, 2004.
2. A summons was issued for the Commonwealth Defendants on July 7, 2004.

¹ It is unclear from Plaintiff's Complaint whether the Commonwealth of Massachusetts Administrative Chief Justice of the Superior Court Susan Delvecchio is intended to be one defendant, namely Justice Delvecchio, or two defendants, the Commonwealth and Justice Delvecchio. For the purposes of this motion, the latter is assumed and the motion is made on behalf of both the Commonwealth and Justice Delvecchio.

3. Administrative Chief Justice of the Superior Court Susan Delvecchio (“Judge Delvecchio”) was served with a copy of the Complaint on October 7, 2004.
4. The return of service for Judge Delvecchio was filed on October 19, 2004.
5. The Office of the Attorney General first received a copy of the Complaint on October 15, 2004.
6. The file was assigned to counsel for the Commonwealth Defendants on October 20, 2004, and counsel first received a copy of the Complaint on October 26, 2004.
7. Plaintiff has not included his phone number on the Complaint, as such counsel for the Commonwealth Defendants has been unable to contact him directly to seek an agreement concerning an extension of time to respond to the Complaint.
8. The Commonwealth Defendants are seeking an additional twenty (20) days to file a response to Plaintiff’s Complaint.

WHEREFORE, the Commonwealth Defendants respectfully request additional time to respond to Plaintiff’s Complaint.

COMMONWEALTH OF MASSACHUSETTS
ADMINISTRATIVE CHIEF JUSTICE OF THE
SUPERIOR COURT SUSAN DELVECCHIO

By their attorneys,

THOMAS F. REILLY
ATTORNEY GENERAL

/s/ Sarah M. Joss
Sarah M. Joss, BBO # 651856
Assistant Attorney General
Trial Division
One Ashburton Place
Boston, MA 02108
(617) 727-2200

Dated: October 27, 2004

CERTIFICATE OF SERVICE

I, Sarah M. Joss, hereby certify that on October 27, 2004, I served a copy of the above upon the counsel of record for the parties, by mailing a copy postage pre-paid to:

1. Neal A. Cowe
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2. Alan R. Hoffman, Esq.
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/s/ Sarah M. Joss

Sarah M. Joss

Assistant Attorney General